IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20771 of 2007(W)

PETITIONER:

D.R.JOSE,
ANUGRAHA, T.C.13/780(2), KUNNUKUZHI P.O.,
THIRUVANANTHAPURAM DIST.-34.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-1.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. DISTRICT EDUCATIONAL OFFICER,
NEYYATTINKARA.

4. ASSISTANT EDUCATIONAL OFFICER,
PARASSALA.

5. THE CORPORATE MANAGER,
THE CORPORATE MANAGEMENT OF LATIN CATHOLIC SCHOOLS
NEYYATTINKARA, THIRUVANANTHAPURAM DIST.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.20771 of 2007

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Dated this the 6th day of July, 2007.

J U D G M E N T

Petitioner seeks to quash Ext.P4 order by which the request for approval of his appointment as Lower Primary school Assistant in the school under the management of respondent No.5 for the period from January 6, 2003 to March 13, 2003 was rejected.

2. While issuing the above order the Government noticed that petitioner who is a B.Ed degree holder had no approved service as LPSA prior to June 8, 2000 the date on which the relevant amendment was brought into force in Chapter XXXI KER. It is pertinent to note that Ext.P4 order was issued by the Government in a revision petition filed by the corporate Manager of the school in January 2005. According to the petitioner, the Corporate Manager had preferred Ext.P5 petition before the Minister for Education seeking review of Ext.P4 order. Petitioner had preferred Ext.P7 before the Government on April 2, 2007 for the same relief viz., approval of his appointment for the period from January 6, 2003 till March 13, 2003. In my view, the prayer made by the petitioner to issue a direction to quash Ext.P4 cannot be sustained at all for reasons more than one. Similarly prayer to issue a direction to respondent No.1 to consider Ext.P7 is also liable to be rejected.

3. As noticed already, the Government had considered the request made by the Manager to approve petitioner's appointment as LPSA for the period in question. The request was turned down as

revealed form Ext.P4 order issued by the Government in the year 2005. Thus the issue had been given a quietus by the Government, the final statutory authority, more than 2 years ago. Petitioner has now chosen to revive the same issue purportedly invoking the power of the Government under Rule 92 of Chapter XIV-A KER after a lapse of more than 2 years. Petitioner has not stated any reason for the delay in preferring this writ petition. More importantly, it is the admitted position that petitioner is a B.Ed graduate. After June 8, 2000 a teacher with B.Ed could not have been appointed as LPSA. The Government had rejected the request for approval on that ground. I do not find any illegality or irregularity in the stand taken by the statutory authorities. There is no merit in any of the contentions raised by the petitioner.

Writ Petition fails and it is accordingly dismissed.

A.K. Basheer
Judge.

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